

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiffs,

-v-

AMERINDO INVESTMENT ADVISORS
INC., *et al.*,

Defendants.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/24/14

No. 05 Civ. 5231 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

The Clerk of the Court is respectfully directed to docket the attached letters.

SO ORDERED.

Dated: April 24, 2014
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE



Jacqueline Gaztambide

To "sullivanysdchambers@nysd.uscourts.gov"
<sullivanysdchambers@nysd.uscourts.gov>
cc

04/21/2014 04:30 PM

Please respond to
Jacqueline Gaztambide

bcc

Subject Amerindo Investments

2 attachments

PDF



Ativa_flash_drv_stmnt.pdf

PDF



img-421105821.pdf

Dear Judge Sullivan,

Attached please find documents confirming the opening of an account with Amerindo Investments on May 23, 1996. This account was opened in my name, Jacqueline A. Gaztambide and my two sisters, Annette Acevedo and Ana Acevedo.

I am also sending copy of a "Second Quarter Report" dated March 31, 2000. These monies were invested in 1996 and never touched. I understand these investments are kept "frozen" by the U. S. Government and are to be released soon, however, no one has contacted me, nor any of my sisters, so this is the reason for my e-mail.

Cordially,

Jacqueline A. Gaztambide



04/21/2014 10:42 AM

To sullivanysdchambers@nysd.uscourts.gov
cc

bcc

Subject Ana Acevedo- Amerindo's Statements

1 attachment



Ana_Acevedo_Amerindo_Statements-3.pdf

Dear Judge Sullivan,

I have a retirement account at Amerindo and I am writing you because I was told that the SEC receiver would be contacting me, however, that person never did.

As you can imagine I am very concerned about this since it involves my retirement account and I am close to retirement age and need this money.

Attached are my statements.

Please confirm receipt of this e-mail.

Sincerely,

Ana Acevedo



David Mainzer

04/18/2014 01:07 PM

To: Vivian Shevitz
"sullivanysdchambers@nysd.uscourts.gov"
<sullivanysdchambers@nysd.uscourts.gov>
cc

bcc

Subject: RE: SEC v. Amerindo, 05 cv 5231 (RJS); SEC v. Vilar, 05 cr 621 (RJS)

All,

I am writing to ask about Amerindo Master Venture Fund, LLC. This was a fund that certain (now former) Amerindo employees has investments in. I had an investment in this fund. The fund had its own custody account at Bear Stearns. Nobody has contacted me about what is happening with the assets of this fund or if there is any proposal to figure out what, if anything, is owed to these former Amerindo employees. These assets were among the ones seized in 2005.

I wrote to Gazes LLC twice to ask about this. Once on December 3, 2103 and once on March 10, 2014. I have yet to receive any response from them.

Is there anyone willing to look into whether there is anything owed to Amerindo's former employees on account of their investment in Amerindo Master Venture Fund, LLC?

Thanks,

David Mainzer

From: Vivian Shevitz [mailto:sullivanysdchambers@nysd.uscourts.gov]
Sent: Friday, April 11, 2014 2:59 PM
To: sullivanysdchambers@nysd.uscourts.gov
Cc:

Subject: SEC v. Amerindo, 05 cv 5231 (RJS); SEC v. Vilar, 05 cr 621 (RJS)

I attach a letter by which I forward the transcript of the April 1, 2014 hearing before Hon. Shirley Werner Kornreich on the Vilar and Tanaka motions to vacate the Mayer judgment in *Mayer v. Vilar*, New York State court, 603234/04, and the transcript itself --- as it bears on the ongoing proceedings in the criminal and civil cases.

Vivian Shevitz
Attorney at Law *



karl gaztambide

04/21/2014 07:45 PM

Please respond to
karl gaztambide

To "sullivannysdchambers@nysd.uscourts.gov"
<sullivannysdchambers@nysd.uscourts.gov>

cc

bcc

Subject Claim Explanation Ana Acevedo and Jacqueline Gaztambide

Dear Judge Sullivan,

My name is Karl Gaztambide, I am Jacqueline Gaztambide's son, and Ana Acevedo's godson. Vivian Shevitz has informed me that the court needs further explanation as to why a claim was not filed previously and how we knew there was to be a distribution.

I contacted Vivian Shevitz recently to ask about the sentencing, and I inquired about the frozen accounts since my mother and my aunt's retirement is held up in the process. She asked if they had been contacted by a receiver and I told her they had not been contacted.

Vivian Shevitz told me she would notify the SEC that these investors were not contacted. We thought that this would be remedied, but it was not.

I contacted Vivian Shevitz again about the upcoming sentencing and asked whether we should notify the Court about the accounts. She told me she had informed the SEC lawyers about the fact that my mother and aunt had not been contacted. Of course I am very concerned about this since they invested in Amerindo in the 1990s. Although they are relatively small accounts we are concerned that they will be lost. At the suggestion of Vivian Shevitz, I helped them draft letters with the statements since neither are very tech savvy. I am very concerned about this since I'm also going on a business trip tomorrow and will be out of the country until May 1st.

Vivian Shevitz also told me that my mother and aunt are required to file claims. They never were contacted previously and did not get "forms." If the receiver is to contact them and send the right forms, they will furnish all information needed for the claim. I would like to help them with the forms, but cannot do so until I return from a business trip.

Sincerely,
Karl Gaztambide

David Mainzer
c/o Spolin Cohen Mainzer LLP
1230 Rosecrans Avenue, Suite 600
Manhattan Beach, CA 90266

April 21, 2014

Hon. Richard J. Sullivan
sullivan@nysd.uscourts.gov

Re: 05 Civ. 5231 (RJS)

Dear Judge Sullivan,

I was provided with a copy of your Order dated April 21, 2014, in which you ordered that I provide you with a letter explaining why I did not file a claim previously and how, when and by whom I was informed that Amerindo assets might soon be distributed.

In answer to the first question, I did not file any claim previously because I did not understand that I had the opportunity to make any claim with respect to Amerindo Master Venture Fund, LLC or that there was any need for me to do so. Also, I do not have the documentation related to this investment and so I honestly do not know whether I have any right to make a claim or how much any such claim would be for.

As to how I was informed that Amerindo assets might soon be distributed, counsel for various of the parties in this case have been sending me copies of documents filed with the Court in this matter. I read some of these documents and they indicated that a receiver had been appointed and that there were proposals as to how assets might soon be distributed.

The purpose of my email was simply to inquire as to what is happening with Amerindo Master Venture Fund, LLC, because I hadn't heard anything about it from Mr. Gazes and it didn't seem to be mentioned in any of the documents sent to me. I thought that Mr. Gazes might have access to information about this and so I was hoping to have him look into it and determine if there is any money to be paid to Amerindo Master Venture Fund investors.

I realize that my request for information is late in the process. I am sorry about that. I was just hoping that this matter would be looked into.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Mainzer', written in a cursive style.